

**IN THE UNITED STATES DISTRICT COURT FOR THE
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CASE NO. 3:12-cr-239-GCM

UNITED STATES OF AMERICA)	
)	
v.)	<u>ORDER</u>
)	
(5) VICTORIA HUNT)	
(14) JAMES TYSON, JR.)	
_____)	

THIS MATTER is before the Court *sua sponte* and in reference to the Government’s Supplemental Filing with Regard to Restitution (Doc. No. 1090). On May 26, 2015, the Court sentenced Defendants and ordered them to pay restitution to a number of fraud victims. The Court specifically held open, however, the issue of whether restitution was owed to victim F.M., and if so, in what amount. (*See* Doc. No. 1096 at 33-34).

Now, in its Supplemental Filing, the Government maintains that restitution is owed to victim F.M. pursuant to the Mandatory Victims Restitution Act, which mandates restitution for offenses “against property under this title . . . including any offense committed by fraud or deceit” and “in which an identifiable victim or victims has suffered a . . . pecuniary loss.” *See* 18 U.S.C. § 3663(c)(1)(A) & (B). That statute focuses on the offense of specific conviction rather than relevant conduct. *See United States v. Newsome*, 322 F.3d 328, 341 (4th Cir. 2003) (“[T]he focus of the court in applying the MVRA must be on the losses to the victim caused by the offense.”). With respect to charges of conspiracy, restitution is required for the losses attributable to the specific conspiracy offenses of which the defendant was convicted. *United States v. Llamas*, 599 F.3d 381, 391 (4th Cir. 2010).

Based on the evidence presented in this matter, as well as the information set forth in the Pre-Sentence Report, the Court agrees with the Government that restitution is owed to F.M. in the amount of \$7,500,000.00. The Court, however, pursuant to 18 U.S.C. § 3664(i), finds that more than one victim has sustained a loss requiring restitution by these Defendants and, based on the type and amount of each victim's loss, and accounting especially for the economic circumstances of each victim, orders that victim F.M. shall be paid restitution after all other victims have been restored in full.

SO ORDERED.

Signed: September 2, 2015

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

